

such investment shall become a part of the sinking fund and prohibiting the diversion of said interest and said sinking fund for any other purpose, making the same a criminal offense, and providing suitable punishment therefor, and declaring an emergency."

And find the same correctly engrossed.

RUSSELL, Chairman.

#### FORTY-EIGHTH DAY.

(Thursday, March 15, 1917.)

The House met at 9:30 o'clock a. m., pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called, and the following members were present:

Bagby.	Hartman.
Baker.	Hawkins.
Beard of Harris.	Hill.
Beard of Milam.	Holland.
Beasley.	Hudspeth.
Beason.	Jones.
Bedell.	Laas.
Bertram.	Lacey.
Blackburn.	Laney.
Blackmon.	Lange.
Blalock.	Lanier.
Bledsoe.	Lee.
Boner.	Lindemann.
Brown.	Low
Bryan.	of Washington.
Bryant.	McComb.
Burton of Rusk.	McDowra.
Burton of Tarrant.	McFarland.
Butler.	McMillin.
Cadenhead.	Martin.
Canales.	Meador.
Carlock.	Mendell.
Cates.	Metcalfe.
Clark.	Miller of Austin.
Cope.	Miller of Dallas.
Cox.	Monday.
Davis of Dallas.	Moore.
Davis of Grimes.	Morris.
Davis	Murrell.
of Van Zandt.	Neeley.
De Bogory.	Neill.
Denton.	Nichols.
Dodd.	Nordhaus.
Dudley.	O'Banion.
Dunnam.	O'Brien.
Estes.	Osborne.
Fairchild.	Parks.
Fisher.	Peddy.
Fitzpatrick.	Peyton.
Florer.	Pillow.
Fly.	Pope.
Greenwood.	Raiden.
Haidusek.	Reeves.
Hardey.	Richards.
Harris.]	Robertson.

Roemer.	Thomason
Rogers.	of Nacogdoches.
Russell.	Thompson
Sackett.	of Hunt.
Sallas.	Thompson
Sentell.	of Red River.
Schlesinger.	Tillotson.
Schlosshan.	Tilson.
Scholl.	Tinner.
Seawright.	Trayler.
Sholars.	Tschoepe.
Smith of Bastrop.	Valentine.
Smith of Hopkins.	Veatch.
Smith of Scurry.	Wahrmund.
Spencer of Nolan.	Walker.
Spencer of Wise.	White.
Spradley.	Williams
Stewart.	of Brazoria.
Swope.	Williams
Taylor.	of McLennan.
Templeton.	Williford.
Terrell.	Wilson.
Thomas.	Woods.
Thomason	Woodul.
of El Paso.	Yantis.

Absent.

Bland.	Johnson.
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Absent—Excused.

Bell.	McCoy.
Crudgington.	Poage.
Lowe	Strayhorn.
of McMullen.	Upchurch.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain, as follows:

O Thou great I Am, the Almighty, Thou who art the same, and Thy years change not, midst the trials and tribulations, the successes and failures, the joys and sorrows of this ever-changing life; we thank Thee that the One who governs, sustains and guides is the same yesterday, today and forever. Help us to commit our persons and our ways unto Him for His sake. Amen.

#### LEAVE OF ABSENCE GRANTED.

Mr. Poage was granted leave of absence for today, on account of important business, on motion of Mr. Neeley.

#### HOUSE JOINT RESOLUTION NO. 39 ON FIRST READING.

The following House joint resolution was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Blalock (by request):

H. J. R. No. 39, Proposing to amend Section 4, Article 11, of the Constitu-

tion of the State of Texas, authorizing cities and towns having a population of five thousand (5000) or less to levy, assess and collect such taxes not in excess of one and one-fourth per cent of the taxable property therein as may be authorized by general law.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Valentine, it was ordered that Senate bill No. 449 be not printed.

#### ARTICLE BY DR. McCOMB.

The following composition by Dr. J. W. McComb was read to the House, and on motion of Mr. Cope, was ordered printed in the Journal:

#### MORE THAN ONE REASON WHY THE BIRDS WILL BE PROTECTED FROM SUNDAY HUNTERS.

For: if a Roemer Sallas forth Schlosshan around among the Greenwood Metcalfe in the Meador or Woods, or on a Hill, and saw he was Hardey with no Fly's on him; visited the Parks or wandered Lowe on the Lec, and saw a Baker Raiden there for Martin or bob-White, if at all able to Cope with him who would Swope down upon the defenseless feathered tribe and Sackett, and being able to Seawright would stroke his Beard, Russell his Spencer, and say, I am Stewart here, and if you have any Hartman it has Bledsoe much Moore for how you have Dunnam in the past, that you should Neill in supplication at Upchurch until he would cry a Laas forgive me and I'll be a Fairchild and be a Walker, and hie myself to the Scholl Monday, and be a Fisher when no Sholars nor Pope as Sentell will ring a Bell for the Butler to drive me from the Canales or put any Carlock on my willi-Ford nor have any Trayler or Blackmon Dodd down with a Strayhorn made by a Tinner, without a Dent-on, to sound a blast like Roderick Dhu for my expulsion, and I'll be

No Hawkins to the feathered tribe,  
Nor Bag-by gun for Bone-r  
Through Meador Walk-er ride  
Til-son down drives me home sir.  
If I have sacked a Temple-ton  
Enough to make a Pillow  
I'll be content with such a Pey-ton  
And fill my bag no Fuller—  
Quoth the raven, "Never more,"  
For love of Auld Lange Syne  
So keep ye this in Store (Story)  
And I will be your Valentine.

#### RELATING TO FEDERAL TAX ON COTTON.

Mr. Terrell offered the following resolution:

H. C. R. No. 24, Relating to a refunding of Federal direct tax on cotton.

Whereas, The Congress of the United States levied a tax upon all cotton grown within the boundaries of said United States, by the several Acts of Congress, to-wit: Act of July 1, 1862, Acts of May 7, 1864, Act of July 13, 1866, and Act of March 2, 1867; and

Whereas, This tax amounting to the sum of \$68,072,388.99 was collected by the revenue officers of the United States and turned into the public treasury to defray the expense of the United States government; and,

Whereas, The Constitution of the United States, Article 1, Section 9, says "No tax or duty shall be laid on any article exported from any State." Again it says "No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken"; and

Whereas, This tax is either a direct tax or an export tax since a large part of said cotton was grown for export, and was actually exported to other States and countries, it is believed that said tax was levied and collected in violation of said Article 1, Section 9, of the Constitution of the United States; and

Whereas, The eleven Southern States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, Texas and Virginia paid \$61,866,823.18 of this tax and Texas paid \$5,502,401.24, which amounts justly and rightly belong to these States; and

Whereas, The constitutionality of these several acts has never been determined by a decision of a majority of the judges of the Supreme Court of the United States; therefore, be it

Resolved by the House of Representatives of the Thirty-fifth Legislature of the State of Texas, the Senate concurring, that the Congress of the United States be requested to provide some legal means of bringing this matter before the Supreme Court of the United States in order that a final decision to test the legality of these several Acts of Congress may be had;

Resolved, further, that in case no action can be brought before the Supreme Court to test the constitutionality of these acts that the United States Congress be requested to make an appropriation to refund to the several States the

amount of the cotton tax collected by the Federal government under the several acts mentioned; be it

Resolved, further, that the Governor of this State be and is hereby authorized and empowered to receive any and all moneys belonging to any citizen or citizens of this State that may be collected through any action that may be brought to determine the constitutionality of the several acts of Congress levying a tax upon raw cotton or that may be appropriated by Congress to reimburse the citizens of this State for taxes paid to the Federal government under the several acts of Congress placing a tax upon raw cotton; be it further

Resolved, That all moneys collected through court procedure or appropriated to the State of Texas to reimburse citizens of this State for taxes illegally collected under the "cotton tax" statutes shall be paid by the Governor to those citizens legally claiming the same, upon proper proof of said claim and the remainder unclaimed shall be paid to the ex-Confederate soldiers and the widows of ex-Confederate soldiers upon such terms as may be provided by the Legislature; be it

Resolved further, That the Chief Clerk of this House send a copy of this resolution to each of our Senators and Representatives in Congress.

The resolution was read second time and was adopted.

#### SENATE BILL NO. 13 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 13, A bill to be entitled "An Act providing for the payment by the State of Texas of a monthly pension to indigent, widowed mothers for the partial support of their children in their own homes."

The bill was read third time.

(Mr. Blalock in the chair.)

Question—Shall the bill be passed?

Yeas and nays were demanded, and the bill was passed by the following vote:

Yeas—61.

Baker.	Bledsoe.
Beard of Harris.	Boner.
Beasley.	Bryant.
Beason.	Butler.
Bedell.	Cope.
Bertram.	Cox.
Blackmon.	Davis of Dallas.

Davis of Grimes.	Reeves.
Davis	Richards.
of Van Zandt.	Rogers.
Denton.	Russell.
Dodd.	Sentell.
Fairchild.	Smith of Bastrop.
Florer.	Smith of Hopkins.
Hardey.	Smith of Scurry.
Hill.	Spencer of Wise.
Holland.	Stewart.
Hudspeth.	Swope.
Jones.	Terrell.
Laney.	Thomas.
Lange.	Thomason
Meador.	of Nacogdoches.
Metcalf.	Tilson.
Miller of Dallas.	Trayler.
Neeley.	Valentine.
Neill.	Walker.
O'Banion.	White.
Osborne.	Williams
Parks.	of Brazoria.
Peddy.	Williford.
Pillow.	Woods.
Pope.	Yantis.

Nays—53.

Bagby.	Martin.
Beard of Milam.	Mendell.
Blackburn.	Miller of Austin.
Blalock.	Monday.
Brown.	Morris.
Bryan.	Murrell.
Burton of Tarrant.	O'Brien.
Cadenhead.	Peyton.
Carlock.	Raiden.
Cates.	Roemer.
Clark.	Sallas.
Dudley.	Schlesinger.
Dunnam.	Schlosshan.
Estes.	Scholl.
Fitzpatrick.	Seawright.
Haidusek.	Taylor.
Harris.	Thomason
Hartman.	of El Paso.
Hawkins.	Thompson
Laas.	of Hunt.
Lacey.	Tillotson.
Lanier.	Tinner.
Lee.	Tschoepe.
Lindemann.	Wahrmund.
Low	Williams
of Washington.	of McLennan.
McComb.	Wilson.
McDowra.	Woodul.
McFarland.	

Present—Not Voting.

Burton of Rusk.	Veatch.
Templeton.	Absent.
Bland.	Fly.
Canales.	Greenwood.
De Bogory.	Johnson.
Fisher.	Moore.

Nichols.	Spencer of Nolan.
Robertson.	Spradley.
Sackett.	Thompson
Sholars.	of Red River.

Absent—Excused.

Bell.	Poage.
Crudgington.	Strayhorn.
McCoy.	Upchurch.
McMillin.	

Paired.

Mr. Nordhaus (present), who would vote "yea," with Mr. Lowe of McMullen (absent), who would vote "nay."

Mr. Parks moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

#### THANKING SPEAKER FULLER.

Mr. Boner submitted the following communication, which was read to the House:

Hon. F. O. Fuller, Speaker of the House of Representatives.

Dear Mr. Fuller: As individuals and as members of the Legislative Ladies' Club, we hereby tender you the sincere thanks of every woman whose husband is a member of the House for the beautiful courtesy you have extended to us in giving us the privilege of the guest seats on the floor of the House during the sessions of the Thirty-fifth Legislature. We assure you that you have not only our gratitude, but also our unanimous wish that, wherever you may go, in whatsoever capacity you may continue to serve the world, you may find extended to you the same kindly courtesy—that characteristic of chivalrous man—that you have shown to us.

Signed—Mrs. C. W. Boner, Mrs. W. L. Hudspeth, Mrs. Chas. G. Thomas, Mrs. Ice B. Reeves, Mrs. Jess Baker, Mrs. Henry Clark, Mrs. E. R. Bryan, Miss Lillian Bryan, Mrs. C. E. Walker, Starr Walker, Emma Starr, Mrs. R. L. Pillow, Jr., Mrs. W. D. Cope, Mrs. Jno. B. Peyton, Mrs. C. B. Metcalfe, Mrs. J. H. Woods, Mrs. I. D. Fairchild, Mrs. S. J. Osborne, Mrs. Eugene De Bogory, Mrs. Fritz R. Smith, Mrs. I. T. Valentine, Mrs. H. P. Davis, Mrs. W. E. Neeley, Mrs. D. S. McMillin, Mrs. Jno. R. Moore, Mrs. T. J. Beasley.

On motion of Mr. O'Banion, the communication was ordered printed in the Journal.

#### CONFERENCE COMMITTEE ON HOUSE BILL NO. 364.

The Speaker announced the appointment of the following conference committee on House bill No. 364:

Messrs. Boner, Yantis, Burton of Tarrant, Russell, McFarland and Cates.

#### CONFERENCE COMMITTEE ON HOUSE BILL NO. 111.

The Speaker announced the appointment of the following conference committee on House bill No. 111:

Messrs. Williams of McLennan, Spradley, Thomason of Nacogdoches, Lee, Terrell, Cope and Pope.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

H. B. No. 831, A bill to be entitled "An Act setting aside the building now occupied and used as a General Land Office and located in Austin, Travis county, Texas, in order that the Daughters of the Republic and the Texas Division of the Daughters of the Confederacy might accumulate the mementos and relics, and preserve and perpetuate the history and traditions of the Southland of our commonwealth; providing how said building shall be used by the respective parties; making an appropriation for the repairing and remodeling of said building, and declaring an emergency."

H. B. No. 769, A bill to be entitled "An Act to amend Sections 6 and 7 of the special road law in force in Van Zandt county, as enacted by the Thirty-third Legislature and approved March 25, 1913," etc.

H. B. No. 767, A bill to be entitled "An Act to amend the caption of Chapter 41 of the local and special laws of Texas, passed by the Regular Session of the Thirty-third Legislature, the same being a McLennan county road law and being Senate bill No. 360," etc.

H. B. No. 705, A bill to be entitled "An Act adding territory to the present Trent Independent School District of Taylor county; defining its boundaries, and declaring an emergency."

H. B. No. 675, A bill to be entitled "An Act to permit the Enid, Ochiltree



& Western Railroad Company and the owners of its properties, purchased at receiver's sale and its and their assigns, trustees and representatives, to take up and remove its railroad construction heretofore made from within the city of Dalhart, in Dallam county, Texas, to the terminus of its track, approximately thirteen miles in an easterly direction in Hartley county, Texas, and to sell and dispose of same and abandon the same, and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act to amend Article 2234 of the Revised Civil Statutes of Texas, relating to the Dallas Criminal District Court, changing said article so that it shall be discretionary with the judge of the Dallas Criminal District Court to empanel a grand jury for said court, instead of it being mandatory; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 73, A bill to be entitled "An Act declaring it the duty of the owner entitled to the beneficial use, rental or control of, or in case of a non-resident, the occupant, lessee, of any building, three or more stories in height, constructed, used or intended to be used as a hospital, seminary, college, academy, schoolhouse, dormitory, hotel, lodging house, apartment house, rooming house, boarding house, theater, or any place of public amusement, lodge, hotel, or any hall used for public gatherings industrial plant, wholesale or retail store, workshop, warehouse, office building and any building erected by any municipal, county or State authority, wherein public assemblies are permitted, or sleeping apartments are provided on any floor above the second, to erect and fix to every such building one or more adequate fire escapes; defining an adequate fire escape, as required by this act; providing for the promulgation of specifications for each type of fire escape permitted by the terms hereof by the fire marshal of the State Fire Insurance Commission, and making it the duty of said fire marshal to enforce the provisions of the act with the assistance of fire chiefs and city fire marshals, as required by this act; providing how notice shall be given to any owner, occupant, or lessee to erect fire escapes; providing remedies and penalties with regard to the enforcement thereof, etc., and declaring an emergency," with amendments.

H. B. No. 638, A bill to be entitled "An Act to reorganize the First Judicial District, to be composed of the counties of San Augustine, Sabine, New-

ton, Jasper and Orange; fixing the time for holding court therein, and after July 1, 1917, continuing the times of holding court therein as now provided by law until July 1, 1917; to validate process, bonds, recognizances heretofore issued or taken in the courts of said district, and to preserve and validate all judgments rendered or to be rendered in the courts in said district prior to July 1, 1917, and declaring an emergency."

H. B. No. 599, A bill to be entitled "An Act to amend Chapter 76, General Laws, 1901, to create a more efficient road system for Erath county, etc., and declaring an emergency."

H. B. No. 373, A bill to be entitled "An Act providing for the extension by the Penitentiary Commission of the railroad now owned by the State, extending from Rusk, in Cherokee county, to Palestine, in Anderson county, to the city of Dallas, in Dallas county, and for its maintenance, equipment and operation, etc., and declaring an emergency."

H. B. No. 339, A bill to be entitled "An Act to define a delinquent negro child, and to regulate the treatment and control of same; providing for commitment of the delinquent and incorrigible negro juveniles in the State institution to be hereafter known as the State Training School for Negro Boys, located at Rusk, Henderson county, Texas."

H. C. R. No. 18, Providing for compiling and printing Legislative Manual of the Thirty-fifth Legislature, with amendments.

H. B. No. 619, A bill to be entitled "An Act to prevent the selling of bass and white perch or crappie, taken from the fresh waters in the county of Coryell, State of Texas; making it unlawful to use any dynamite or other explosives in the killing or catching of any fish in any of the fresh waters of said county, and providing a penalty for the violation thereof; prohibiting the use of any seine, drag net, trammel net or other net other than a minnow seine, which shall not be more than ten feet in length and the meshes of which shall not be smaller than one-fourth inch; limiting the number of fish to be taken in any one day; providing that the district judge of the judicial district in which Coryell county is situated shall give a special charge upon this law to the grand juries of Coryell county; providing a penalty for the violation hereof, and declaring an emergency," with amendments.

H. B. No. 443, A bill to be entitled "An Act to amend Article 7235, Chap-

ter 6, Title 124, of the Revised Statutes of Texas of 1911, and to amend Chapter 72, House bill No. 827, General Laws of the Thirty-third Legislature, page 131, and to amend Chapter 99, House bill No. 418, General Laws of the Thirty-fourth Legislature, page 152, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include El Paso county, and declaring an emergency," with amendments.

H. B. No. 200, A bill to be entitled "An Act to amend Article 2308, Chapter 5, Title 41, Revised Civil Statutes of Texas, 1911, relating to venue of suits in justice courts, by adding thereto at the end of subdivision 4 thereof, 'providing that in all suits to recover for labor performed of any kind of personal service rendered may, at the option of plaintiff, be brought and maintained where such labor is performed or personal service rendered,' and declaring an emergency," with amendments.

The Senate refused to pass finally House bill No. 105, a copy of which is transmitted herewith.

Respectfully,  
JOHN D. McCALL,  
Secretary of the Senate.

#### SENATE BILL NO. 46 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 46, A bill to be entitled "An Act to amend Article 7684 of the Revised Civil Statutes of 1911, by providing a period of limitation within which action must be brought to foreclose liens upon land securing taxes, providing a period within which such liens shall become barred."

The bill was read third time.

Mr. Williams of Brazoria moved that further consideration of the bill be postponed indefinitely.

Mr. Woods offered the following amendments to the bill:

(1)

Amend Senate bill No. 46, Section 3, by providing that the compensation to be paid to the tax collector shall be two per cent on the amount of delinquent taxes collected by him, instead of five per cent, as in the bill. Also adding: "And such compensation to the tax collector shall cover, embrace

and include all compensation to tax collectors because of such delinquency and entering the same on the delinquent tax rolls, and the outgoing tax collector shall receive no compensation because of such delinquency so remaining delinquent at the close of his term of office."

And amend Section 3 of Senate bill No. 46 by adding to said section at the close thereof the following: "Provided, that where the amount of taxes, exclusive of interest and penalties, appearing delinquent, past due and unpaid, shall not exceed ten dollars (\$10) in any case, the county attorney or district attorney, as the case may be, shall not file and institute suit for the recovery thereof, unless he shall be expressly directed to do so by the commissioners court of the county where the lands or lots may be situated, by an order duly made and entered on the minutes of said court. But this provision as to such suits shall be applicable only to delinquencies now appearing upon the tax records and not to those that may appear thereon in future years.

"It shall be the duty of the commissioners court of each county with or without the assistance of the county attorney, district attorney, or tax collector or either of them, when suit has not been brought upon the application of any delinquent taxpayer to adjust, compromise or agree upon a settlement of any tax claim due the State, county or of any district thereof (in which district the taxes are collectible by the county tax collector) upon proper showing therefor in the judgment of said court, and to certify the terms of such adjustment, compromise or settlement to the tax collector, and upon the payment of the amount of taxes, interest, penalties, and costs agreed upon, the tax collector shall issue to such taxpayer such receipt or redemption receipt as he shall be entitled to receive under the provisions of the law in regard to the issuance of such receipts. And it is also provided that in any suit that may have been brought or may hereafter be brought by the county attorney or district attorney for the collection of delinquent taxes, such district or county attorney may agree upon an adjustment, compromise or settlement with the defendant taxpayer, subject to the approval of the district court wherein the suit may be pending, and shall report such agreed ad-

justment, compromise or settlement to the county tax collector, and upon the payment to such tax collector of the amount so agreed on the tax collector shall issue to such taxpayer the proper receipt or redemption receipt as provided by law. And in all cases of adjustment and agreed settlement hereby provided for by the commissioners court or the county or district attorney, the Comptroller of Public Accounts upon receipt of certified statement from the tax collector as in other cases of redemption, shall issue the proper redemption certificate, when found correct. These provisions as to adjustment and compromise settlement of delinquencies shall apply only to delinquencies now appearing on the tax records, but not to future delinquencies, unless otherwise provided by law."

(2)

Amend Section 5 of Senate bill No. 46 by adding thereto the following: "Whenever payment is desired to be made on any land or lots that may be part of a larger tract assessed as an entirety, or assessed to unknown owner, or insufficiently described, or where the tax rolls for any cause fail to show the amount justly chargeable to that part of the land or lots upon which payment is desired to be made, the tax collector of the county wherein same may be situated is authorized to ascertain and determine the amount properly chargeable against such land or lots, or part of such larger tract, and to issue his certificate showing such land or lots and the amount properly payable thereon, and when same has been approved by the commissioners court of the county where same is situated said tax collector upon the payment to him of such amount, so ascertained to be due, shall issue to the party paying same the proper receipt or redemption receipt therefor."

(3)

Amend Senate bill No. 46, Section 2, by adding after the figures "1911," where they first occur therein, the following: "or under the provisions of Chapter 147 of the General Laws passed by the Thirty-fourth Legislature at its Regular Session." And also add after the figures "7707," where they last occur in said Section 2, the following words: "or under the provisions of Chapter 147 of the General Laws passed by

the Thirty-fourth Legislature at its Regular Session."

The amendments were severally adopted.

Mr. Nordhaus moved the previous question on the motion to postpone indefinitely and the passage of the bill, and the motion was not seconded.

Mr. Sentell moved the previous question on the motion to postpone indefinitely and the passage of the bill, and the main question was ordered.

Question first recurring on the motion to postpone indefinitely, yeas and nays were demanded.

(Speaker in the chair.)

The motion prevailed by the following vote:

Yeas—64.

Baker.	Neill.
Beard of Harris.	Nordhaus.
Beasley.	Osborne.
Bertram.	Parks.
Bryant.	Reeves.
Butler.	Roemer.
Cates.	Rogers.
Cope.	Sackett.
Cox.	Schlesinger.
Davis of Dallas.	Scholl.
De Bogory.	Seawright.
Dudley.	Smith of Hopkins.
Dunnam.	Spencer of Nolan.
Fisher.	Spencer of Wise.
Fitzpatrick.	Swope.
Florer.	Taylor.
Greenwood.	Templeton.
Hartman.	Terrell.
Hawkins.	Thomas.
Hudspeth.	Thomason
Laas.	of El Paso.
Lange.	Thomason
Lanier.	of Nacogdoches.
Lee.	Tillotson.
McDowra.	Tilson.
McFarland.	Tinner.
McMillin.	Trayler.
Martin.	Tschoepe.
Meador.	Veatch.
Metcalfe.	White.
Miller of Austin.	Williams
Monday.	of Brazoria.
Moore.	Woodul.
Murrell.	

Nays—41.

Bagby.	Davis of Grimes.
Beard of Milam.	Denton.
Beason.	Dodd.
Bedell.	Estes.
Blackburn.	Fairchild.
Blalock.	Fly.
Boner.	Haidusek.
Bryan.	Harris.
Burton of Rusk.	Jones.
Clark.	Lacey.

Lindemann.	Smith of Bastrop.
Low	Smith of Scurry.
of Washington.	Stewart.
Neeley.	Thompson
Nichols.	of Hunt.
O'Banion.	Thompson
O'Brien.	of Red River.
Peddy.	Williams
Peyton.	of McLennan.
Pope.	Williford.
Russell.	Wilson.
Sallas.	Woods.
Sentell.	

Present—Not Voting.

McComb.

Absent.

Blackmon.	Johnson.
Bland.	Laney.
Bledsoe.	Morris.
Burton of Tarrant.	Pillow.
Cadenhead.	Raiden.
Canales.	Schlosshan.
Carlock.	Spradley.
Davis	Valentine.
of Van Zandt.	Walker.
Hill.	Yantis.
Holland.	

Absent—Excused.

Bell.	McCoy.
Crudgington.	Poage.
Lowe	Strayhorn.
of McMullen.	Upchurch.

Paired.

Mr. Brown (present), who would vote "nay," with Mr. Hardey (absent), who would vote "yea."

Mr. Mendell (present), who would vote "nay," with Mr. Robertson (absent), who would vote "yea."

Mr. Richards (present), who would vote "yea," with Mr. Miller of Dallas (absent), who would vote "nay."

Mr. Sholars (present), who would vote "nay," with Mr. Wahrmond (absent), who would vote "yea."

Mr. Cope moved to reconsider the vote by which the motion to postpone indefinitely prevailed, and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

S. B. No. 475, A bill to be entitled

"An Act creating the Girard Independent School District in Kent county, Texas, out of the territory known as the Girard Common School District No. 13 in said county, defining its boundaries and providing for the election of trustees therefor and authorizing the board of trustees to levy, assess and collect special taxes, and declaring an emergency."

S. B. No. 423, A bill to be entitled "An Act to restore and confer upon the county court of Kerr county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court and to repeal all laws in conflict with this act, and declaring an emergency."

S. B. No. 472, A bill to be entitled "An Act to amend Chapter 77 of the Special Laws passed at the Regular Session of the Thirty-third Legislature of 1913, providing for more efficient road laws for Bexar county, etc., and declaring an emergency."

Grants the request of the House for a Free Conference Committee on House bill No. 364, and has elected the following members on the part of the Senate: Senators Johnson of Hall, Floyd, Robbins, Hall and McCollum.

Grants request of the House for a Free Conference Committee on House bill No. 111, and the following members have been elected on the part of the Senate:

Senators Dean, Johnson of Hall, Lattimore, Clark, Strickland.

Respectfully,

JOHN D. McCALL,  
Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Free Conference Committee report on House bill No. 2 by the vote of 22 yeas, 2 nays.

The Senate has refused to pass House bill No. 227, the "anti-pass" bill, by a vote of 8 yeas, 14 nays, 1 pair, and a copy of same is herewith transmitted.

The Senate has passed:

H. B. No. 815, A bill to be entitled



"An Act to amend Title 5, Article 30, paragraph 21, of the Revised Civil Statutes of Texas of 1911, which article provides for judicial districts of the State, and which paragraph defines the Twenty-first Judicial District and determines the date and length of term of such district court in each of the counties of the said district, and which amendment provides for a change in the term of the said court in Lee county," with amendments.

Respectfully,  
G. H. BOYNTON,  
Assistant Secretary of the Senate.

## RECESS.

On motion of Mr. O'Banion, the House, at 12:25 o'clock p. m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

## SENATE BILL NO. 316 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 316, A bill to be entitled "An Act to amend Title 22, Chapter 4, Article 883, Revised Statutes of 1911 of the State of Texas, and declaring an emergency."

The bill was read third time and was passed.

Mr. Dodd moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

## SENATE BILL NO. 55 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 55, A bill to be entitled "An Act to regulate the practice of dentistry, or dental surgery, in the State of Texas, providing for the examination and registration of persons desiring to practice dentistry, prescribing the qualifications of the Board of Examiners, prescribing fees that may be charged for registration, making it unlawful for any person not licensed under the provisions of the act to practice dentistry, defining a reputable den-

tal college or school, providing for the registration of persons who have been engaged in the practice of dentistry in other States, for the revocation of license granted by the Board of Examiners upon satisfactory evidence of misconduct on the part of the licensee, for the exhibition of his or her license by the persons engaged in the practice of dentistry, prohibiting any person from advertising or soliciting business under any other than his or her proper and legal name, prescribing fees to be charged by the Board of Examiners for examination fees, penalties for the violation of any of the provisions of this act, and repealing all laws or parts of laws in conflict with this act."

The bill was read second time.

Mr. Holland offered the following amendment to the bill:

Amend Senate bill No. 55 by striking out the enacting clause.

(Mr. Mendell in the chair.)

Yeas and nays were demanded, and the amendment, striking out the enacting clause of the bill, was adopted by the following vote:

Yeas—67.

Bagby.	Low
Baker.	of Washington.
Beard of Milam.	McComb.
Beason.	McDowra.
Bertram.	Martin.
Blackburn.	Meador.
Bland.	Mendell.
Brown.	Moore.
Burton of Rusk.	Murrell.
Cadenhead.	Neill.
Cates.	Nordhaus.
Clark.	O'Banion.
Cope.	Peyton.
Cox.	Raiden.
Davis of Dallas.	Reeves.
Denton.	Sackett.
Dodd.	Sallas.
Dudley.	Sholars.
Dunnam.	Smith of Hopkins.
Fairchild.	Smith of Scurry.
Fisher.	Stewart.
Fitzpatrick.	Swope.
Harris.	Taylor.
Hawkins.	Terrell.
Hill.	Thompson
Holland.	of Red River.
Jones.	Tilson.
Laas.	Tinner.
Lacey.	Traylor.
Lanier.	Tschoepe.
Lee.	White.
Lindemann.	Williams
Lowe	of McLennan.
of McMullen.	Williford.

Wilson.  
Woods.

Yantis.

Nays—42.

Beard of Harris.	Neeley.
Beasley.	Nichols.
Bedell.	Osborne.
Blalock.	Parks.
Boner.	Pillow.
Bryant.	Richards.
Burton of Tarrant.	Robertson.
Butler.	Roemer.
Davis	Rogers.
of Van Zandt.	Russell.
De Bogory.	Schlesinger.
Estes.	Scholl.
Greenwood.	Seawright.
Haidusek.	Smith of Bastrop.
Hartman.	Spencer of Nolan.
Hudspeth.	Spencer of Wise.
Johnson.	Spradley.
Laney.	Templeton.
McFarland.	Thomas.
Metcalfe.	Thompson
Miller of Austin.	of Hunt.
Monday.	Veatch.

Absent.

Blackmon.	Schlosshan.
Canales.	Thomason
Davis of Grimes.	of Nacogdoches.
Florer.	Tillotson.
Hardey.	Valentine.
Lange.	Wahrmund.
Morris.	Walker.
O'Brien.	Williams
Peddy.	of Brazoria.
Poage.	Woodul.
Sentell.	

Absent—Excused.

Bell.	McMillin.
Bledsoe.	Miller of Dallas.
Bryan.	Pope.
Carlock.	Strayhorn.
Crudgington.	Thomason
Fly.	of El Paso.
McCoy.	Upchurch.

Mr. Holland moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 117 ON THIRD READING.

On motion of Mr. Davis of Dallas, by unanimous consent, the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 117, A bill to be entitled "An Act to amend Chapter 1, Title 49, of the Revised Civil Statutes of Texas,

1911, providing for the time and place of holding of elections, by adding thereto Article 2919a, providing that in all instances where practicable, all elections shall be held in some schoolhouse, fire station or other public building within the limits of the election precinct without charge therefor, except for actual additional expenses, and authorizing such use of public building, and declaring an emergency."

The Speaker laid the bill before the House, it was read third time and was passed.

#### SENATE BILL NO. 58 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 58, A bill to be entitled "An Act defining a blacklist and prescribing penalties for same."

The bill was read second time.

Mr. Thompson of Red River offered the following amendment to the bill:

Amend Senate bill No. 58 by striking out the enacting clause.

(Speaker in the chair.)

Mr. Beard of Harris moved to table the amendment.

Yeas and nays were demanded on the motion to table.

The roll was called, and the Speaker announced that the motion to table was lost by the following vote: Yeas 58, nays 58.

Mr. Cope called for a verification of the vote.

The Clerk was directed to call the roll of those recorded as voting "yea."

The roll of those voting "yea" as called by the Clerk did not include the name of Mr. Beasley.

Mr. Beasley stated that he had voted "yea," and that he desired to be so recorded.

Mr. Beasley was then recorded as voting "yea."

The Clerk was then directed to call the roll of those recorded as voting "nay."

The roll of "nays" was called, and no corrections were requested.

The verified vote was announced: Yeas 59, nays 57.

The Speaker then announced that the motion to table prevailed by the following vote:

Yeas—59.

Mr. Speaker.	Beasley.
Baker.	Beason.
Beard of Harris.	Bedell.

Blalock.	O'Brien.
Boner.	Oshorne.
Burton of Tarrant.	Parks.
Butler.	Peyton.
Cadenhead.	Pillow.
Clark.	Reeves.
Cope.	Robertson.
Cox.	Rogers.
Davis	Sentell.
of Van Zandt.	Smith of Bastrop.
De Bogory.	Spencer of Nolan.
Dodd.	Spencer of Wise.
Fairchild.	Spradley.
Fisher.	Stewart.
Greenwood.	Swope.
Hawkins.	Taylor.
Holland.	Terrell.
Johnson.	Thomason
Laas.	of Nacogdoches.
Laney.	Thompson
Lange.	of Hunt.
Mendell.	Valentine.
Metcalfe.	Walker.
Monday.	Williams
Moore.	of McLennan.
Neill.	Williford.
Nichols.	Woods.
Nordhaus.	Yantis.
O'Banion.	

## Nays—57.

Bagby.	Meador.
Beard of Milam.	Miller of Austin.
Bertram.	Morris.
Blackburn.	Murrell.
Blackmon.	Raiden.
Bland.	Richards.
Brown.	Roemer.
Burton of Rusk.	Russell.
Cates.	Sackett.
Davis of Grimes.	Sallas.
Dudley.	Scholl.
Dunnam.	Seawright.
Estes.	Sholars.
Haidusek.	Smith of Hopkins.
Harris.	Smith of Scurry.
Hartman.	Templeton.
Hill.	Thomas.
Hudspeth.	Thompson
Jones.	of Red River.
Lacey.	Tillotson.
Lanier.	Tilson.
Lee.	Tinner.
Lindemann.	Traylor.
Lowe	Tschoepe.
of McMullen.	Veatch.
Low	White.
of Washington.	Williams
McComb.	of Brazoria.
McDowra.	Wilson.
McFarland.	Woodul.
Martin.	

## Absent.

Canales.	Fitzpatrick.
Davis of Dallas.	Florer.
Denton.	Hardey.

Neeley.	Schlesinger.
Peddy.	Schlosshan.
Poage.	Wahrmund.

## Absent—Excused.

Bell.	McMillin.
Bledsoe.	Miller of Dallas.
Bryan.	Pope.
Bryant.	Strayhorn.
Carlock.	Thomason
Crudgington.	of El Paso.
Fly.	Upchurch.
McCoy.	

Mr. Roemer offered the following amendment to the bill:

Amend Senate bill No. 58 by striking out of Section 3 of said bill lines 17 to 38, inclusive.

Mr. Harris offered the following substitute for the amendment:

Amend by striking out all of Section 3.

Mr. Beard of Harris moved the previous question on the pending amendments and the passage of the bill to a third reading, and the main question was ordered.

Question first recurring on the substitute by Mr. Harris, yeas and nays were demanded.

The substitute was lost by the following vote:

## Yeas—56.

Bagby.	McComb.
Beard of Milam.	McFarland.
Beasley.	Martin.
Bertram.	Mendell.
Blackburn.	Miller of Austin.
Bland.	Monday.
Boner.	Murrell.
Brown.	Roemer.
Burton of Rusk.	Russell.
Canales.	Sallas.
Clark.	Schlosshan.
Davis of Grimes.	Scholl.
Davis	Seawright.
of Van Zandt.	Sholars.
Dudley.	Smith of Hopkins.
Estes.	Smith of Scurry.
Fitzpatrick.	Stewart.
Haidusek.	Templeton.
Harris.	Thomas.
Hartman.	Thompson
Hill.	of Hunt.
Hudspeth.	Thompson
Laas.	of Red River.
Lacey.	Traylor.
Lanier.	Tschoepe.
Lee.	Wahrmund.
Lindemann.	White.
Lowe	Williams
of McMullen.	of Brazoria.
Low	Woodul.
of Washington.	Yantis.

## Nays—62.

Baker.	Osborne.
Beard of Harris.	Parks.
Beason.	Peddy.
Blalock.	Peyton.
Burton of Tarrant.	Pillow.
Butler.	Raiden.
Cadenhead.	Reeves.
Cope.	Richards.
Cox.	Robertson.
Davis of Dallas.	Rogers.
De Bogory.	Sackett.
Dodd.	Sentell.
Dunnam.	Schlesinger.
Fairchild.	Smith of Bastrop.
Fisher.	Spencer of Nolan.
Greenwood.	Spencer of Wise.
Hawkins.	Spradley.
Holland.	Swope.
Johnson.	Taylor.
Jones.	Terrell.
Laney.	Thomason
Lange.	of Nacogdoches.
McDowra.	Tilson.
Meador.	Tinner.
Metcalf.	Valentine.
Moore.	Veatch.
Morris.	Walker.
Neill.	Williams
Nichols.	of McLennan.
Nordhaus.	Williford.
O'Banion.	Wilson.
O'Brien.	Woods.

## Absent.

Bedell.	Florer.
Blackmon.	Hardey.
Cates.	Neeley.
Denton.	Tillotson.

## Absent—Excused.

Bell.	McMillin.
Bledsoe.	Miller of Dallas.
Bryan.	Poage.
Bryant.	Pope.
Carlock.	Strayhorn.
Crudgington.	Thomason
Fly.	of El Paso.
McCoy.	Upchurch.

Question next recurring on the amendment by Mr. Roemer, it was lost.

Question then recurring on the passage of the bill to a third reading, yeas and nays were demanded.

The bill was passed to a third reading by the following vote:

## Yeas—66.

Bagby.	Blalock.
Baker.	Burton of Tarrant.
Beard of Harris.	Butler.
Beason.	Cadenhead.
Bedell.	Carlock.

Cope.	Parks.
Cox.	Peddy.
Davis of Dallas.	Peyton.
Davis	Pillow.
of Van Zandt.	Raiden.
De Bogory.	Reeves.
Dodd.	Rogers.
Dunnam.	Russell.
Fairchild.	Sackett.
Fisher.	Sentell.
Fitzpatrick.	Schlesinger.
Greenwood.	Smith of Bastrop.
Holland.	Spencer of Wise.
Johnson.	Spradley.
Jones.	Swope.
Laney.	Taylor.
Lange.	Terrell.
McDowra.	Thomason
McFarland.	of El Paso.
Meador.	Thomason
Mendell.	of Nacogdoches.
Metcalf.	Tilson.
Miller of Dallas.	Valentine.
Moore.	Walker.
Neeley.	Williams
Neill.	of McLennan.
Nichols.	Williford.
Nordhaus.	Wilson.
O'Banion.	Woods.
O'Brien.	Yantis.
Osborne.	

## Nays—62.

Beard of Milam.	McComb.
Beasley.	McMillin.
Bertram.	Martin.
Blackburn.	Miller of Austin.
Blackmon.	Monday.
Bland.	Morris.
Bledsoe.	Murrell.
Boner.	Pope.
Brown.	Richards.
Bryan.	Roemer.
Bryant.	Sallas.
Burton of Rusk.	Schlosshan.
Canales.	Scholl.
Cates.	Seawright.
Clark.	Sholars.
Davis of Grimes.	Smith of Hopkins.
Dudley.	Smith of Scurry.
Estes.	Spencer of Nolan.
Fly.	Stewart.
Haidusek.	Templeton.
Harris.	Thomas.
Hartman.	Thompson
Hawkins.	of Hunt.
Hill.	Thompson
Hudspeth.	of Red River.
Laas.	Tinner.
Lacey.	Trayler.
Lanier.	Tschoepe.
Lee.	White.
Lindemann.	Williams
Lowe	of Brazoria.
of McMullen.	Woodul.
Low	
of Washington.	



Present—Not Voting.

Robertson.      Wahrmond.  
Veatch.

Absent.

Denton.      Hardey.  
Florer.      Tillotson.

Absent—Excused.

Bell.      Poage.  
Crudgington.      Strayhorn.  
McCoy.      Upchurch.

Reason for Not Voting.

I refuse to vote on Senate bill No. 58, because the previous question has been ordered, and I have been prevented from offering an amendment striking out the latter part of Section 1. In my opinion, the bill should not pass in its present form. If amended on third reading to modify what I take to be the effect of said portion, I expect to vote for the bill.

ROBERTSON.

Mr. Beard of Harris moved to reconsider the vote by which the bill was passed to a third reading, and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate concurs in House amendments to Senate bill No. 264.

The Senate concurs in House amendments to Senate bill No. 13.

The Senate concurs in House amendments to Senate bill No. 223.

The Senate adopts the Free Conference Committee report on House bill No. 364.

The Senate has passed

H. B. No. 822, A bill to be entitled "An Act incorporating and reorganizing the Sealy Independent School District in Austin county, Texas, etc., and declaring an emergency."

Respectfully,

G. H. BOYNTON,

Assistant Secretary of the Senate.

#### HOUSE BILL NO. 443 WITH SENATE AMENDMENTS.

Mr. O'Brien called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 443, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Kimble, Jefferson, Kleberg, Menard, Real, Sutton, Terrell, Clay, Collingsworth, Dimmit, Gregg, Lamb, Lipscomb, Maverick, Nacogdoches, Tom Green, Bandera, Crockett, etc., and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. O'Brien, the House concurred in the Senate amendments.

#### SENATE BILL NO. 456 ON PASSAGE TO A THIRD READING.

The Speaker laid before the House, as postponed business, on its passage to a third reading,

S. B. No. 456, A bill to be entitled "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency."

The bill having been read second time on last Monday, March 12.

Mr. Schlesinger offered the following amendment to the bill:

Amend Senate bill No. 456, in line 13, Section 2, by striking out the words "one hundred" and substituting in lieu thereof the words "seventy-five"; also, in the fifteenth line strike out the word "fifteen" and substitute the word "ten."

Mr. Schlesinger moved the previous question on the amendment and the passage of the bill to a third reading, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Question next recurring on the passage of the bill to a third reading, yeas and nays were demanded.

The bill was passed to a third reading by the following vote:

Yeas—73.

Bagby.  
Beasley.  
Beason.  
Bedell.

Brown.  
Burton of Tarrant.  
Canales.  
Cates.

Cope.	Parks.
Davis of Grimes.	Peddy.
Davis	Peyton.
of Van Zandt.	Pillow.
De Bogory.	Reeves.
Denton.	Robertson.
Dudley.	Roemer.
Dunnam.	Rogers.
Estes.	Sallas.
Fisher.	Schlesinger.
Florer.	Schlosshan.
Greenwood.	Scholl.
Haidusek.	Sholars.
Hardey.	Spradley.
Harris.	Templeton.
Hill.	Thomas.
Holland.	Thomason
Hudspeth.	of Nacogdoches.
Johnson.	Thompson
Jones.	of Red River.
Laney.	Tillotson.
Lange.	Tinner.
Lanier.	Tschoepe.
Lindemann.	Valentine.
Low	Veatch.
of Washington.	Wahrmund.
McFarland.	Walker.
Martin.	White.
Meador.	Williams
Mendell.	of Brazoria.
Metcalfe.	Williams
Miller of Austin.	of McLennan.
Monday.	Wilson.
Morris.	Woodul.
Nichols.	Yantis.
Nordhaus.	

Nays—38.

Baker.	Lowe
Beard of Milam.	of McMullen.
Bertram.	McDowra.
Blackmon.	Murrell.
Blalock.	Neill.
Bland.	O'Brien.
Boner.	Richards.
Burton of Rusk.	Seawright.
Butler.	Smith of Bastrop.
Cadenhead.	Smith of Hopkins.
Clark.	Smith of Scurry.
Cox.	Spencer of Nolan.
Davis of Dallas.	Spencer of Wise.
Dodd.	Stewart.
Fairchild.	Terrell.
Fitzpatrick.	Thompson
Hartman.	of Hunt.
Hawkins.	Tilson.
Laas.	Traylor.
Lee.	Woods.

Present—Not Voting.

McComb.

Absent.

Beard of Harris.	Moore.
Blackburn.	Neeley.
Lacey.	O'Banion.

Osborne.	Sentell.
Raiden.	Swope.
Russell.	Taylor.
Sackett.	Williford.

Absent—Excused.

Bell.	McMillin.
Bledsoe.	Miller of Dallas.
Bryan.	Poage.
Bryant.	Pope.
Carlock.	Strayhorn.
Crudgington.	Thomason
Fly.	of El Paso.
McCoy.	Upchurch.

Mr. Schlesinger moved to reconsider the vote by which the bill was passed to a third reading and to table the motion to reconsider.

The motion to table prevailed.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 364.

Mr. McFarland called up from the Speaker's table, for consideration at this time, the following report of the Conference Committee on House bill No. 364:

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate, and Hon. F. O. Fuller, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed by your respective bodies to consider the amendments of the Senate to House bill No. 364, have had the same under consideration, and beg leave to report that we have reached the following agreement:

We recommend that the House accept all Senate amendments placed upon the bill, and in addition thereto we recommend the following amendment:

Amend Section 3 of the bill by adding at the end thereof the following: "provided, that the provisions of this act shall not apply to notices made necessary by law by any licensed pawn broker in this State."

JOHNSON,  
FLOYD,  
ROBBINS,  
HALL,  
McCOLLUM,

On the part of the Senate.

BONER,  
RUSSELL,  
YANTIS,  
BURTON of Tarrant,  
CATES,

On the part of the House.

Question—Shall the report be adopted?

Mr. Dudley moved that further consideration of the report be postponed indefinitely.

Mr. McFarland moved that the report be recommitted to the conference committee for further consideration.

Mr. Fisher moved to table the motion to recommit.

Mr. Dudley moved to previous question on the pending motions and the report, and the main question was ordered.

Question first recurring on the motion to table the motion to recommit, yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—52.

Bedell.	Neeley.
Bertram.	Neill.
Blackmon.	O'Banion.
Blalock.	Peddy.
Burton of Rusk.	Peyton.
Butler.	Raiden.
Cadenhead.	Reeves.
Canales.	Rogers.
Cox.	Sallas.
Dodd.	Sentell.
Dudley.	Schlosshan.
Dunnam.	Smith of Hopkins.
Fisher.	Spencer of Nolan.
Fitzpatrick.	Spencer of Wise.
Harris.	Stewart.
Hawkins.	Taylor.
Holland.	Terrell.
Johnson.	Thompson
Jones.	of Hunt.
Laney.	Tilson.
Lange.	Tinner.
Lanier.	Traylor.
McDowra.	Walker.
Meador.	White.
Monday.	Williford.
Moore.	Woods.
Murrell.	

#### Nays—67.

Bagby.	De Bogory.
Baker.	Denton.
Beard of Milam.	Florer.
Beasley.	Greenwood.
Beason.	Haidusek.
Blackburn.	Hartman.
Bland.	Hill.
Boner.	Hudspeth.
Brown.	Laas.
Burton of Tarrant.	Lee.
Cates.	Lindemann.
Clark.	Lowe
Cope.	of McMullen.
Davis of Grimes.	Low
Davis	of Washington.
of Van Zandt.	McComb.

McFarland.	Smith of Scurry.
Martin.	Spradley.
Mendell.	Swope.
Metcalfe.	Templeton.
Miller of Dallas.	Thomas.
Morris.	Thomason
Nichols.	of Nacogdoches.
Nordhaus.	Thompson
O'Brien.	of Red River.
Parks.	Tillotson.
Pillow.	Tschoepe.
Richards.	Valentine.
Robertson.	Veatch.
Roemer.	Wahrmund.
Russell.	Williams
Sackett.	of Brazoria.
Schlesinger.	Williams
Scholl.	of McLennan.
Seawright.	Wilson.
Sholars.	Woodul.
Smith of Bastrop.	Yantis.

#### Present—Not Voting.

Davis of Dallas.

#### Absent.

Beard of Harris.	Lacey.
Estes.	Miller of Austin.
Fairchild.	Osborne.
Hardey.	Poage.

#### Absent—Excused.

Bell.	McCoy.
Bledsoe.	McMillin.
Bryan.	Pope.
Bryant.	Strayhorn.
Carlock.	Thomason
Crudgington.	of El Paso.
Fly.	Upchurch.

Question next recurring on the motion to recommit, it prevailed.

#### SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 423, to Committee on Judicial Districts.

S. B. No. 476, to Committee on Education.

#### MOTION TO INSTRUCT HOUSE CONFEREES.

Mr. O'Banion moved that the conference committee on the part of the House on House bill No. 364 be instructed to adhere to the bill as it passed the House.

The motion prevailed.

SENATE BILL NO. 82 ON SECOND  
READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 82, A bill to be entitled "An Act to establish a branch of the Agricultural and Mechanical College of Texas east of the 96th meridian; providing for the location of such college, its government and control of its finances; defining its leading object and prescribing generally the nature and scope of instruction to be given; providing for the instruction of all students of such college in military science and for military discipline of all students; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the location, establishment and maintenance of said college, and declaring an emergency."

The bill was read second time.

On motion of Mr. Blalock, the bill was laid upon the table subject to call.

HOUSE BILL NO. 200 WITH SENATE  
AMENDMENTS.

Mr. Holland called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 200, A bill to be entitled "An Act to amend Article 2308, Chapter 5, Title 41, Revised Civil Statutes of Texas, 1911, relating to venue of suits in justice courts, by adding thereto at the end of Subdivision 4 thereof, 'Providing that in all suits to recover for labor performed or any kind of personal service rendered may, at the option of plaintiff, be brought and maintained where such labor is performed or personal service rendered,' and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Holland, the House concurred in the Senate amendments.

Mr. Holland moved to reconsider the vote by which the House concurred in the Senate amendments and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 257 ON THIRD  
READING.

On motion of Mr. Seawright, by unanimous consent, the regular order

of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 257, A bill to be entitled "An Act to provide for the placing of short term male State convicts upon public roads; to define short term male convicts and rules governing them while employed upon the public highways; to give counties authority to secure State convicts through petition of the commissioners courts to the Penitentiary Commission to recommend the placing of such convicts upon their honor as their merit will justify when such transfer is made from the State farms or the walls to public roads; making it mandatory for the commissioners court thus petitioning to provide railroad fare from penitentiary farms to point of destination; to provide for commutation of sentence for good behavior and service to such convicts as merit reward; giving the commissioners court authority to pay for transportation of convicts by warrants drawn upon the road and bridge funds of the county so petitioning; also authority to draw warrants upon road and bridge fund for maintenance of convicts for food, raiment and medical purposes."

The Speaker laid the bill before the House, it was read third time and was passed.

HOUSE BILL NO. 721 ON THIRD  
READING.

On motion of Mr. Cadenhead, by unanimous consent, the regular order of business was suspended, to take up and have placed on its third reading and final passage,

H. B. No. 721, A bill to be entitled "An Act to amend Article 7883, Chapter 1, Title 133, Revised Civil Statutes of the State of Texas, 1911, prescribing standard weights and measures, prescribing the weight of peanuts in addition to the weights of other products already defined by law, and declaring an emergency."

The Speaker laid the bill before the House, it was read third time, and was passed.

SENATE BILL NO. 200 ON SECOND  
READING.

On motion of Mr. Davis of Grimes, the regular order of business was suspended, to take up and have placed on its second reading and passage to a third reading,



S. B. No. 200, A bill to be entitled "An Act to prevent and punish the desecration or improper use of the flag of the United States of America, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and was passed to a third reading.

#### SENATE BILL NO. 384 ON SECOND READING.

On motion of Mr. Smith of Scurry, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to a third reading,

S. B. No. 384, A bill to be entitled "An Act to amend Article 4859, Title 71, Chapter 7, relating to reports of local insurance associations, of the Revised Civil Statutes, 1911, of the State of Texas."

The Speaker laid the bill before the House, it was read second time, and was passed to a third reading.

#### HOUSE BILL NO. 526 ON THIRD READING.

On motion of Mr. Veatch, by unanimous consent, the regular order of business was suspended, to take up and have placed on its third reading and final passage,

H. B. No. 526, A bill to be entitled "An Act to amend Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, and amended by the Thirty-fourth Legislature, page 203, providing for the appointment and compensation of county auditors in counties having a population of forty thousand inhabitants, according to the last United States census, or having a tax valuation of eighteen million dollars, according to the last approved tax rolls; also, to add Article 1460a, providing that county auditors may be appointed in counties having a less population than forty thousand inhabitants, or having a tax valuation of less than eighteen million dollars; also, to amend Article 1461, Chapter 2, Title 29, of the Revised Civil Statutes as amended by the Thirty-fourth Legislature, page 182, relating to the appointment of county auditors; also to amend Article 1462, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, defining the qualifications of county auditors."

The Speaker laid the bill before the House, and it was read third time.

Mr. Veatch offered the following amendment to the bill:

Amend caption of House bill No. 526, line 14, by striking out the word "may" and insert "shall," in lieu thereof.

Question—Shall the amendment be adopted?

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 620, "An Act creating the Tilden Independent School District in McMullen county, Texas, and defining its boundaries, etc., and declaring an emergency."

H. B. No. 718, "An Act to create a more efficient road system for Newton county, Texas, and creating the office of superintendent of public roads and bridges in said county, and providing for the appointment and discharge of superintendent, and prescribing his powers and duties, etc., and declaring an emergency."

H. B. No. 725, "An Act amending Section 14 of the Stephens county road law as enacted by the Regular Session of the Thirty-third Legislature, increasing the pay of each county commissioner from two to three dollars a day, or to an amount not exceeding one hundred and thirty-five dollars per quarter when acting as road commissioner, and declaring an emergency."

H. B. No. 519, "An Act to apply to and govern all insurance corporations incorporated under the laws of this State; making it unlawful for an insurance corporation so created to make a voluntary assignment, and prescribing the duty of such company when it finds itself unable to meet its obligations; making void any voluntary general assignment by such company or any acts relative thereto, and making void all transfer of assets after an act of insolvency or in contemplation thereof, with a view of preferring one creditor over another; declaring that no attachment, injunction or execution shall issue against such an insurance company or its property before final judgment; prescribing the duties of the Commissioner of Insurance and Banking when the capital stock or the reserves of an insurance company become impaired, or when such company is conducting its business in an unlawful, unsafe or unauthorized manner, or has made wrong entries or misapplied funds; defining the

duty of the Commissioner in the event such company fails to observe the lawful orders issued by him in such cases; stating when and under what circumstances the Commissioner of Insurance and Banking shall report the affairs of an insurance corporation to the Attorney General for action; prescribing certain duties for the Attorney General and the district courts and district judges of the State; prescribing a complete scheme of liquidation by a receiver of insolvent insurance corporations and also by the Commissioner of Insurance and Banking; defining the duties of the Commissioner with reference to such liquidation, his authority and the method of liquidation in detail; imposing upon the Commissioner authority to call stockholders' meetings of insurance companies for the election of a new board of directors under certain conditions; defining how and when and under what circumstances and conditions the Commissioner of Insurance may take charge of the affairs of an insurance corporation and liquidate the same, and in what manner such corporation may place its affairs in the hands of the Commissioner; authorizing the Commissioner to appoint special agents to assist him in the liquidation of such insurance companies, etc."

H. B. No. 645, "An Act creating and incorporating the Florence Independent School District in Williamson county, Texas, including the present Florence Independent School District, etc., and declaring an emergency."

H. B. No. 573, "An Act creating a more efficient road system for Dickens county, Texas, and making county commissioners ex-officio road commissioners of their respective precincts, and prescribing their powers and duties as such, etc., and declaring an emergency."

H. B. No. 478, "An Act to amend Section 7 of Chapter 107, page 214, of the General Laws of the Thirty-second Legislature of 1911, and regulating the time for holding the district court in the various counties composing the Fiftieth Judicial District of Texas, so as to give Dickens county one more week, and validating processes, and declaring an emergency."

H. B. No. 776, "An Act to amend Chapter 56 of the Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-second Legislature, which said act was

'An Act incorporating the Meridian Independent School District in Bosque county, Texas, for free school purposes only, etc., and declaring an emergency.'"

H. B. No. 21, "An Act fixing the salaries of judges of the Supreme Court and the Court of Criminal Appeals, and the judges of the Courts of Civil Appeals and of the district courts of this State, and declaring an emergency."

H. B. No. 708, "An Act creating the Seadrift Independent School District in Calhoun county, Texas, etc., and declaring an emergency."

H. B. No. 655, "An Act to amend Article 923 of the Penal Code of this State as enacted by Chapter 135 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, so as to exempt therefrom the counties of Hood and Somervell as to the waters of the Brazos river, and as to the waters of Paluxy creek from the first day of July to the first day of January of each year, and providing that gigging and grabbling is and shall be prohibited in both streams at all times, and declaring an emergency."

H. B. No. 593, "An Act amending Chapter 74 (Senate bill No. 349), Acts of the Thirty-third Legislature, correcting field notes so as to make same identical with field notes of Common School District No. 5 of San Patricio county, Texas, as created by the commissioners court of said county May 13, 1902, and recorded in Volume 2, page 439, of the minutes of said court; and validating bonds issued by Common School District No. 5 of San Patricio county, Texas, and declaring same a legal and binding obligation outstanding against Mathis Independent District as hereinafter defined and described by metes and bounds, and declaring valid a maintenance tax heretofore levied, and declaring an emergency."

H. B. No. 33, "An Act creating for Dallas county an additional county court at law; providing a name therefor; prescribing the jurisdiction thereof; providing for the election and qualification of the judge thereof; fixing the judge's compensation; specifying the terms of said court; prescribing the fees to be collected by the judge thereof; prescribing the powers and duties of judges thereof, etc."

H. B. No. 670, "An Act incorporating and creating the Knippa Independent School District of Uvalde county,

Texas, etc., and declaring an emergency."

H. B. No. 693, "An Act to amend Articles 4, 5, 6, 7, 8, 9, 10 and 11 of an act to provide a special road law for Denton county, Texas, etc., and declaring an emergency."

H. B. No. 652, "An Act to create a commission to make a complete educational survey of the State of Texas, including the institutions of higher learning and State departments doing extension work or semi-educational work."

H. B. No. 639, "An Act to permit the paying of the members of the commissioners courts in Wheeler county, Texas, \$4.00 per day for services."

H. B. No. 564, "An Act creating and incorporating the Ralls Independent School District in Crosby county, Texas, etc., and declaring an emergency."

H. B. No. 636, "An Act creating a more efficient road system for Wichita county, Texas, etc., and declaring an emergency."

H. B. No. 536, "An Act creating a new road law for Travis county."

H. B. No. 231, "An Act to amend Article 900, Title 10, of the Code of Criminal Procedure of the State of Texas of 1911, so as to make bail bonds good in all criminal cases until verdict for judgment and until the defendant is taken in custody by the sheriff, and declaring an emergency."

H. B. No. 450, "An Act to amend subdivision 2, Article 7355, Chapter 1, Title 126, of the Revised Statutes of the State of Texas for 1911, levying an occupation tax upon traveling vendors of patent medicines."

S. B. No. 390, "An Act to amend an act entitled 'An Act to provide for the establishment and maintenance of a State training school upon the cottage plan for dependent and delinquent girls of Texas, to locate same and provide for its control and management, and to make conditional appropriations, and to provide for private, county and city donations for its establishment, and declaring an emergency,' which act is known as Chapter 144 of the Acts of the Thirty-third Legislature, and making it an offense to persuade, coerce or employ any inmate of such institution, or any home selected by the authorities thereof for any girl committed to such institution, to leave such institution or home, and making it an offense to aid, advise, encourage or fur-

nish means for any inmate to escape from said institution or to aid or facilitate such escape, or to hide or conceal any inmate after she has escaped, and provide for punishment therefor."

S. B. No. 116, "An Act providing for the creation of the office of assistant district attorney for the Sixth Judicial District of Texas; defining the duties and qualifications of said office; fixing the bond and salary, and declaring an emergency."

S. B. No. 388, "An Act to create the Wharton Independent School District in Wharton county, Texas."

S. B. No. 264, "An Act to authorize and permit W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., as executors of and devisees under the last will of Mrs. Della Eastham, deceased, to sue the State of Texas and the Prison Commissioners of the State of Texas in the district court of Walker county."

S. B. No. 268, "An Act directing the State Superintendent of Public Instruction to require the county judges, county, city and town superintendents, county and city treasurers and depositories of school boards and other school officers and teachers certain reports relating to school funds and school affairs; providing that the State Superintendent shall furnish blanks for such purpose; providing a penalty for a failure on the part of such officers to make such reports within twenty days after required by the State Superintendent, and declaring an emergency."

S. B. No. 469, "An Act to create a more efficient road system for Kent county, Texas; defining the powers and duties of the commissioners court of said county in adopting such system, and providing for the condemnation of lands for the opening, changing, widening, ditching, making embankments or fills or draining water away from the public roads in said county; providing for raising or lowering grades, changing or discontinuing of public roads in said county; providing that the commissioners of said county be ex-officio road commissioners, defining their powers and duties and providing for their compensation, etc., and declaring an emergency."

S. B. No. 394, "An Act to amend Section 16 of Chapter 20 of Local and Special Laws of the Thirty-first Legislature (1909), approved March 8, 1909, entitled 'An Act to create a more effi-

cient road system for Lampasas county, Texas, and declaring an emergency."

S. B. No. 445, "An Act to create a more efficient road law for Mason county, Texas, by amending Chapter 67 of the Special Laws of the Thirty-second Legislature, 1911, and to provide for the appointment of a superintendent of public roads and bridges for Mason county, and to provide his qualifications, term of office, etc., and declaring an emergency."

S. B. No. 368, "An Act to amend Article 6096, Chapter 1, Title 101, of the Revised Civil Statutes of the State of Texas, pertaining to partitions and authorizing the partition of any real estate, or of any interest therein, or of any mineral, coal, petroleum, or gas lands, whether held in fee or by lease or otherwise, and declaring an emergency."

#### NOTICE GIVEN.

Mr. Thomas gave notice that he would, on Friday, March 16, call up the motion to reconsider the vote by which the House refused to pass Senate Joint Resolution No. 3 to a third reading on last Wednesday, March 14, which motion to reconsider was on that day duly spread upon the Journal.

#### REPORT OF INVESTIGATING COMMITTEE.

The Speaker laid before the House, for consideration at this time, the following report, which was read to the House:

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: We, your committee appointed to investigate the charges filed in the House of Representatives on March 3, 1917, by Hon. H. P. Davis, Representative in said Legislature, against Governor James E. Ferguson, beg leave to report as follows:

The resolution as amended and adopted by the House on March 5, 1917, provides that "the committee shall at the conclusion of the taking of testimony make a report of its findings to the House, and the House shall thereupon take such action upon the same as it shall deem proper and just in the premises."

The committee will take up the charges seriatim, and here now make their findings, as follows:

First. This charge, in substance, is that James E. Ferguson, Governor of the State of Texas, during the years 1915 and 1916, misapplied and misappropriated the public funds of the State of Texas, in violation of the Constitution of said State, and in conflict with the plain decisions of the courts of this State. The committee find that the said James E. Ferguson did misapply and misappropriate public funds of the State of Texas, in violation of the Constitution of said State, during the time herein charged, in that he did use certain public funds in the purchase of groceries, butter and eggs, meats, chickens, vegetables, feed stuffs and automobile supplies. The appropriation made by the Thirty-fourth Legislature for the years ending August 31, 1916, and August 31, 1917, provided for "fuel, lights, water, ice and incidentals, \$2000 for each year." The committee make no criticism of the fuel, lights, water and ice, although many of the committee doubt the constitutionality of these items, and the evidence before the committee shows the committee beyond a question that these items have been paid for, for many years past, and no serious question has ever arisen concerning same, and the attorney for proponent raised no objection concerning same, and no court has ever passed upon these particular items, in any appropriation bill. Inasmuch, however, as the district court, Court of Civil Appeals, and the Supreme Court of this State (although the latter has not yet acted upon a motion for rehearing) did in the case of Terrell vs. Middleton, reported in the 187 Southwestern, decide that groceries could not be paid for out of such appropriation, and the committee think it not debatable that groceries could not be included in the term "incidentals." Said appropriation for "fuel, lights, water, ice and incidentals" was more than consumed by Governor Ferguson, a very large portion of which was for groceries and the other items above mentioned, and in addition thereto deficiency warrants have been issued for an amount considerably in excess of the appropriation.

Second. Answering the allegations of the second charge in the resolution, the committee find that there was no misapplication or misuse of any of the appropriation made by the Thirty-fourth Legislature for the Governor's Mansion, including repairs and improvements to mansion and grounds and necessary labor and employes to care for same. Neither does the committee find that



there was any misapplication or misuse of any of said appropriation for fuel, lights, water and ice, but about this, the committee has the same doubts as to the constitutionality of the same as expressed in paragraph 1 above; but the committee does find that the expenditures made for so-called "incidentals" for the year ending August 31, 1916, including groceries, meats, vegetables, butter and eggs, chickens, feed-stuffs and automobile supplies was not warranted by law.

Third. Answering the charge contained in the fourth paragraph of the resolution, in which the charge is made that the said Governor James E. Ferguson did misapply and misuse a large part of said appropriations, and in addition thereto that he has approved for payment by State accounts for merchandise and many articles for which he owes and is personally liable, and that he has approved deficiency certificates, the committee find that the said Ferguson has not only misapplied and misused a part of said appropriations for the purchase of groceries and like supplies, but that he has in addition approved deficiency accounts in excess thereof to cover groceries and similar items which are not properly chargeable to the State, and were for his personal and private use.

Fourth. Answering the fourth charge in said resolution, wherein it is charged in substance that Governor James E. Ferguson did, in violation of the Constitution and laws of this State, misapply and misuse a large part of an appropriation made by the Thirty-fourth Legislature, and reading as follows: "Payment of rewards and other expenses necessary for the enforcement of the laws, lithographing, telegraphing and for other purposes, \$7500," the committee find that the said Ferguson did not, with any fraudulent intent or bad faith, misapply or misuse any part of this appropriation. The evidence shows that the only items expended out of said appropriation about which any issue was made before the committee was an expenditure of \$251 to pay the traveling expenses of C. C. McDonald to Washington, in an effort to enforce the quarantine laws, as well as to reduce a claim that the national government had against the State of Texas for military supplies which had been stolen from the Texas National Guard, and which claim was properly chargeable against this State. The committee find that this was a legitimate expenditure. The committee also find that the traveling

expenses of Governor Ferguson to Washington and New York, amounting to about \$260, and charged to his "traveling expense account," for which an appropriation had been made, was also entirely proper. The only other item paid out of this appropriation was for the services of Mr. W. E. Craddock, who for several months represented the Governor in visiting State institutions and ascertaining the financial needs thereof, as well as attending sessions of the appropriation committee to assist in determining the needs of the various institutions. As it turned out this proved to be a beneficial expenditure of public money, but the committee is of the opinion that while the employment was in the utmost good faith, and valuable service was rendered, yet, that this was a dangerous precedent, and that the Constitution and laws, as well as the intent of the Legislature, was not to use money appropriated for the "enforcement of the law" for such purposes.

Fifth. Answering the fifth charge of said resolution, the committee refers to its answers to the first, second and third paragraphs above, and does find that said James E. Ferguson did, in violation of the Constitution and laws of this State, approve accounts for articles purchased for his personal use and for the use of his family and household, such as groceries, vegetables, butter and eggs, meats, chickens, feed-stuffs and automobile supplies; and the committee further find that such articles have been made the basis for deficiency warrants issued by the Comptroller of this State.

Sixth. Answering the sixth charge set out in the resolution, relative to the said Ferguson having violated the banking laws of this State, the committee find that the said Ferguson has since his tenure of office, knowingly, become indebted to the Temple State Bank in a sum in excess of the amount allowed by statutes. The committee find that the said James E. Ferguson, since his inauguration as Governor in January, 1915, has been neither an officer nor a director of said bank. The committee does, however, find that as Governor of this State he is under oath to see to it that the laws are faithfully executed, and that he did, knowingly, permit and encourage the officers of said bank to violate the statutes of this State which provide in substance that no person shall be permitted to

borrow more than thirty per cent of the capital stock of any bank, the capital stock of said Temple State Bank being at that time \$125,000 and the surplus about \$35,000, and his personal loans aggregating about \$80,000.

Answering further the sixth charge of said resolution, the committee make no finding as to whether his indebtedness was unknown to the people of this State when they elected him, and that they were misled and deceived by him in that regard, because no evidence was introduced upon this question.

Seventh. Answering the seventh charge of said resolution, the committee find that the said Ferguson is not now and never has been personally indebted to the Temple State Bank in the sum of \$170,000. It does find that up until about a month ago he was for his personal account and for the Bell-Bosque Stock Farm, of which he and his wife were the principal owners, and for certain accommodation paper for which he was personally liable, and which he owed said bank, approximately \$170,000; that said indebtedness had all accumulated since he became Governor and since he ceased to be an officer or director of said bank except about \$12,000, which he personally owed said bank at the time he became Governor; and \$30,000 which the Bell-Bosque ranch owed; that said indebtedness has accumulated since that time, and while the committee find that it may have not been secured by any liens of record, yet, it does find that the assets of said Ferguson were more than amply sufficient to fully protect said indebtedness. The committee does further find that beginning with last April the officers and directors of said bank did, by correspondence as well as resolutions (entered upon the minutes of said bank), endeavor to reduce the indebtedness of said Ferguson. The committee further find that one Hughes, mentioned in the resolution, did not loan the said Ferguson, about December 5, 1916, an additional sum of between \$30,000 and \$50,000, nor did the said Ferguson and the said Hughes enter into any conspiracy, as charged, to violate the banking laws of this State, and neither was guilty of a wilful or felonious misapplication of the funds of said bank, in connection with any notes taken at that time, the findings of the committee being that the said Ferguson was asked by the said Hughes, in writing,

to execute two notes aggregating the sum of \$50,000 with which to take up the overdraft of said Ferguson in the bank at that time. The committee further find in connection with this transaction that the said Ferguson did not procure any loan or any sum of money whatever at that time, but only executed notes for his overdrafts. The committee does find that all of the loans made by said bank to Governor Ferguson in excess of thirty per cent of the capital and surplus of said bank were made in violation of the letter of the banking laws of this State, and as Governor of this State, charged with the enforcement of all laws, he did violate the letter of the law and acquiesced in and encouraged its violation by the officers of said bank. In this connection, however, the committee say that it does not believe there was any wilful or criminal intent upon the part of said James E. Ferguson to defraud said bank or its depositors or to cause them any loss, and further find it to be a fact that all of the personal indebtedness of said Ferguson due said bank has since been paid, and that he is no longer responsible to said bank for any indebtedness except one note of \$37,500 owing by the Bell-Bosque Stock Farm, and which said loan is not in excess of the amount permitted by law and is amply secured.

Answering further and undertaking to answer all the allegations in this paragraph of the resolution, as well as all others, the committee make no finding as to whether these facts were unknown or concealed from the public at the time James E. Ferguson was elected Governor in 1914 and 1916, because no evidence was introduced upon that question.

Eighth. Answering the eighth charge in said resolution, the committee find that the said James E. Ferguson did execute certain mortgages to the Temple State Bank to secure a part of his indebtedness thereto, and the committee further find that said Ferguson did not request the officers of said bank to withhold same from record in order that he might be relieved from criticism of his political opponents. The committee find that the said Ferguson subsequently executed another mortgage to the American National Bank of Austin, and nothing was said or asked about any existing mortgages. The committee find that the Temple State Bank began to complain of his indebtedness long before

the execution of other mortgages to other parties, and said Temple State Bank had ample time and opportunity to have recorded its mortgage, if it had so desired. The committee further find that said last named mortgages were on additional property amounting to more than 900 acres of valuable land not included in the mortgage to said Temple State Bank. In this connection, the committee repeats what it has heretofore said, that all of the personal indebtedness due said Temple State Bank by the said James E. Ferguson has been fully paid.

Ninth. Answering the ninth charge contained in said resolution, relative to the Temple State Bank undertaking to change from the bonding plan to secure its depositors to the bank guaranty fund plan, the committee find that said bank during last year was operating under the bonding plan, and furthermore that it has for this year executed a new bond under the same plan. There was hearsay testimony that such a plan for change was once contemplated, but there was no evidence as to whether the idea has been abandoned or not, and no further evidence was introduced before the committee concerning the matter.

Tenth. Answering the tenth charge contained in said resolution, relative to the Commissioner of Insurance and Banking, Hon. Charles O. Austin, being cognizant of the violation of the banking laws by the Temple State Bank in extending an excessive line of credit to Governor James E. Ferguson, the committee find that beginning with April of 1916 the examiners of said department, in the most commendable performance of their duty, furnished said department official reports of the violation of the banking laws of this State by said bank in extending an over-line of credit to said Ferguson; that other reports subsequent to that time and similar in nature were also filed with said department; that the Commissioner of said department up until about September 1, 1916, is dead, and that about September 1, 1916, the Hon. C. O. Austin was appointed to said office, and the committee find that he did not actually know the condition of said loans by said bank until about January 4, 1917, but we believe in the exercise of reasonable diligence he should have ascertained said facts prior to said time.

The committee further find, as heretofore stated, that said excessive loans

were in violation of the laws of this State, but the committee further find that there was no collusion or conspiracy between the said Austin and the said Ferguson to violate the banking laws, and that, in fact, said Ferguson did not up until about January 1, 1917, have any conference with said Commissioner concerning his said loans, and then only in an effort to readjust and secure the same.

In conclusion, the committee begs leave to report to the House that the most serious charges contained in the resolution are those concerning the purchase of groceries and like articles, and bank transactions. We think the purchase of groceries for the Governor and his family is subject to just criticism because in contravention of the Constitution and in violation of the decisions of the courts, but it is only fair to state in this connection that past Legislatures, including the Thirty-fourth, have been making gradual encroachments upon the Constitution in an effort to do indirectly what it could not do directly, and supplement the meager salary now paid the Governor by furnishing such things at the Mansion as fuel, lights, water and ice. We think these facts, together with his sworn statement that he will promptly repay to the State any amount which the Supreme Court shall finally decide is not properly chargeable to the State, should be considered in connection with the good faith of the Governor, and we are, therefore, of the opinion that said transactions are not sufficient to justify the filing of impeachment proceedings.

Relative to the transactions between the Governor and the Temple State Bank, we beg to say that in our judgment they are deserving of the severest criticism and condemnation. As Governor of the State he was and is charged with the enforcement of all laws. The large sum of money borrowed by him from said bank, and far in excess of its capital and surplus, was a plain violation at least of the letter of the law. All laws, regardless of what any man may think about them, should be fairly and impartially enforced. He knowingly encouraged the officers of the bank to violate the banking law, and we neither excuse nor condone the same. In view, however, of his previous connection with said bank, and of the history of the transactions involved, the payment of his entire personal indebtedness, and after undertaking to pass impartially

upon all facts and circumstances before us, our conclusion is that said conduct was unjustified and wholly unwarranted, but does not merit the severe pains and penalties of impeachment.

In connection herewith we submit a stenographic report of the evidence taken in accordance with the terms of the resolution under which the investigation was held. A full statement of all expenses incurred are on file with the Committee on Contingent Expenses.

Respectfully submitted,

BRYAN,  
CARLOCK,  
FLY,  
BRYANT,  
BLEDSOE,  
MILLER of Dallas,  
THOMASON of El Paso,  
POPE,  
McMILLIN.

Question recurring on the report, it was adopted.

#### ADJOURNMENT.

Mr. Woods moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Mr. O'Banion moved that the House recess to 8 o'clock p. m. today.

The motion to adjourn prevailed, and the House accordingly, at 6 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

#### APPENDIX.

#### REPORTS OF COMMITTEE ON EDUCATION.

Committee Room,  
Austin, Texas, March 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 847, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,  
Austin, Texas, March 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred Senate bill No. 449, have had the same under consideration and I am instructed to report it back to the House with the recom-

mendation that it do pass. Mr. Fly gave notice of minority report.

THOMASON of Nacogdoches, Chairman.

#### REPORT OF COMMITTEE ON JUDICIAL DISTRICTS.

Committee Room,  
Austin, Texas, March 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 844, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass. Mr. Thompson of Red River gave notice of a minority report.

TEMPLETON, Chairman.

#### REPORT OF COMMITTEE ON LABOR.

Committee Room,  
Austin, Texas, March 9, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Labor, to whom was referred Senate bill No. 126, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. McComb gave notice of minority report.

TAYLOR, Chairman.

#### REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS.

Committee Room,  
Austin, Texas, March 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred Senate bill No. 263, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

MENDELL, Chairman.

#### REPORT OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 827, A bill to be entitled "An Act to create the Lelia Lake Independent School District of Donley



county, Texas, and declaring an emergency."

H. B. No. 721, A bill to be entitled "An Act to amend Article 7883, Chapter 1, Title 133, Revised Civil Statutes of the State of Texas, 1911, prescribing standard weights and measures, prescribing the weight of peanuts in addition to the weights of other products already defined by law, and declaring an emergency."

And find the same correctly engrossed.  
DENTON, Chairman.

#### REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 450, "An Act to amend subdivision 2, Article 7355, Chapter 1, Title 126, of the Revised Statutes of the State of Texas for 1911, levying an occupation tax upon traveling vendors of patent medicines,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom have referred

H. B. No. 718, "An Act to create a more efficient road system for Newton county, Texas, and creating the office of superintendent of public roads and bridges in said county, and providing for the appointment and discharge of superintendent, and prescribing his powers and duties, etc., and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 620, "An Act creating the Tilden Independent School District in

McMullen county, Texas, and defining its boundaries, etc., and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 725, "An Act amending Section 14 of the Stephens county road law as enacted by the Regular Session of the Thirty-third Legislature, increasing the pay of each county commissioner from two to three dollars a day, or to an amount not exceeding one hundred and thirty-five dollars per quarter when acting as road commissioner, and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day at 5 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 639, "An Act to permit the paying of the members of the commissioners courts in Wheeler county, Texas, \$4.00 per day for services,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 564, "An Act creating and incorporating the Ralls Independent School District in Crosby county, Texas, etc., and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Vice-Chairman.



Committee Room,  
Austin, Texas, March 15, 1917.  
Hon. F. O. Fuller, Speaker of the House  
of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 536, "An Act creating a new  
road law for Travis county,"

Have carefully compared same, and  
find it correctly enrolled, and have this  
day, at 5 o'clock p. m., presented same to  
the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.  
Hon. F. O. Fuller, Speaker of the House  
of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 636, "An Act creating a  
more efficient road system for Wichita  
county, Texas, etc., and declaring an  
emergency,"

Have carefully compared same, and  
find it correctly enrolled, and have this  
day, at 5 o'clock p. m., presented same  
to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.  
Hon. F. O. Fuller, Speaker of the House  
of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 708, "An Act creating the  
Seadrift Independent School District in  
Calhoun county, Texas, etc., and declar-  
ing an emergency."

Have carefully compared same, and  
find it correctly enrolled, and have this  
day, at 5 o'clock p. m., presented same  
to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.  
Hon. F. O. Fuller, Speaker of the House  
of Representatives.

Sir: Your Committee on Enrolled  
Bills to whom was referred

H. B. No. 776, "An Act to amend  
Chapter 56 of the Local and Special  
Laws of the State of Texas, passed at  
the Regular Session of the Thirty-second  
Legislature, which said act was 'An  
Act incorporating the Meridian Inde-  
pendent School District in Bosque coun-  
ty, Texas, for free school purposes only,  
etc., and declaring an emergency,"

Have carefully compared same, and

find it correctly enrolled, and have this  
day, at 5 o'clock p. m., presented same  
to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.  
Hon. F. O. Fuller, Speaker of the House  
of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 573, "An Act creating  
a more efficient road system for  
Dickens county, Texas, and making  
county commissioners ex-officio road  
commissioners of their respective  
precincts, and prescribing their powers  
and duties as such, etc., and declaring  
an emergency,"

Have carefully compared same, and  
find it correctly enrolled, and have this  
day, at 5 o'clock p. m., presented same  
to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.  
Hon. F. O. Fuller, Speaker of the House  
of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 645, "An Act creating  
and incorporating the Florence In-  
dependent School District in Wil-  
liamson county, Texas, including the  
present Florence Independent School  
District, etc., and declaring an emer-  
gency,"

Have carefully compared same, and  
find it correctly enrolled, and have this  
day, at 5 o'clock p. m., presented same  
to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 15, 1917.  
Hon. F. O. Fuller, Speaker of the House  
of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 593, "An Act amend-  
ing Chapter 74 (Senate bill No.  
349), Acts of the Thirty-third Leg-  
islature, correcting field notes so as  
to make same identical with field notes  
of Common School District No. 5 of  
San Patricio county, Texas, as created  
by the commissioners court of said  
county May 13, 1902, and recorded in  
Volume 2, page 439, of the minutes of  
said court; and validating bonds issued  
by Common School District No. 5 of San  
Patricio county, Texas, and declaring  
same a legal and binding obligation out-

standing against Mathis Independent District as hereinafter defined and described by metes and bounds, and declaring valid a maintenance tax heretofore levied, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,

Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 693, "An Act to amend Sections 4, 5, 6, 7, 8, 9, 10 and 11 of an act to provide a special road law for Denton county, Texas, etc., and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Vice-Chairman.

Committee Room,

Austin, Texas, March 15, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 670, "An Act incorporating and creating the Knippa Independent School District of Uvalde county, Texas, etc., and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Vice-Chairman.

#### FORTY-NINTH DAY.

(Friday, March 16, 1917.)

The House met at 9:30 o'clock a. m., pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called, and the following members were present:

Bagby.	Blackburn.
Baker.	Blackmon.
Beard of Harris.	Blalock.
Beard of Milam.	Bland.
Beasley.	Bledsoe.
Beason.	Boner.
Bedell.	Bryan.
Bertram.	Bryant.

Burton of Rusk.	Nordhaus.
Burton of Tarrant.	O'Banion.
Butler.	O'Brien.
Cadenhead.	Osborne.
Canales.	Parks.
Carlock.	Peddy.
Cates.	Peyton.
Clark.	Pillow.
Cope.	Pope.
Cox.	Raiden.
Davis of Dallas.	Reeves.
Davis of Grimes.	Richards.
Davis	Robertson.
of Van Zandt.	Roemer.
De Bogory.	Rogers.
Denton.	Russell.
Dodd.	Sackett.
Dudley.	Sallas.
Dunnam.	Sentell.
Estes.	Schlesinger.
Fairchild.	Schlosshan.
Fisher.	Scholl.
Fitzpatrick.	Seawright.
Florer.	Sholars.
Fly.	Smith of Bastrop.
Haidusek.	Smith of Hopkins.
Hardey.	Smith of Scurry.
Harris.	Spencer of Nolan.
Hartman.	Spencer of Wise.
Hawkins.	Spradley.
Hill.	Stewart.
Holland.	Swope.
Hudspeth.	Taylor.
Johnson.	Templeton.
Jones.	Terrell.
Laas.	Thomas.
Lacey.	Thomason
Laney.	of El Paso.
Lange.	Thomason
Lanier.	of Nacogdoches.
Lee.	Thompson
Lindemann.	of Hunt.
Lowe	Thompson
of McMullen.	of Red River.
Low	Tillotson.
of Washington.	Tilson.
McComb.	Tinner.
McDowra.	Traylor.
McFarland.	Tschoepe.
McMillin.	Valentine.
Martin.	Veatch.
Meador.	Wahrmund.
Mendell.	Walker.
Metcalf.	White.
Miller of Austin.	Williams
Miller of Dallas.	of Brazoria.
Monday.	Williams
Moore.	of McLennan.
Morris.	Williford.
Murrell.	Wilson.
Neeley.	Woods.
Neill.	Woodul.
Nichols.	Yantis.

Absent.

Brown.	Greenwood.
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